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Attorneys for Defendants FORTY NINERS FOOTBALL  
COMPANY LLC, FORTY NINERS SC STADIUM  
COMPANY LLC, FORTY NINERS STADIUM  
MANAGEMENT COMPANY LLC, CITY OF SANTA  
CLARA and SANTA CLARA STADIUM AUTHORITY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ABDUL NEVAREZ and PRISCILLA  
NEVAREZ, et al., on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

FORTY NINERS FOOTBALL  
COMPANY, LLC, a Delaware limited  
liability company; FORTY NINERS SC  
STADIUM COMPANY, LLC, a  
Delaware limited liability company;  
NATIONAL FOOTBALL LEAGUE;  
CITY OF SANTA CLARA; SANTA  
CLARA STADIUM AUTHORITY;  
TICKETMASTER ENTERTAINMENT,  
INC.; FORTY NINERS STADIUM  
MANAGEMENT COMPANY LLC; and  
DOES 1-10, Inclusive,

Defendants.

Case No. 4:16-cv-07013-HSG

CLASS ACTION

**STIPULATION AND ORDER  
REGARDING EXTENSION OF TIME FOR  
INJUNCTIVE RELIEF STADIUM  
REMEDiation DEADLINES**

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1       **THIS STIPULATION** is hereby entered into by and between Plaintiffs Abdul Nevarez,  
 2 Priscilla Nevarez, and Plaintiff Sebastian DeFrancesco on behalf of themselves and all others  
 3 similarly situated (collectively, “Plaintiffs”), and Defendants Forty Niners Football Company  
 4 LLC, Forty Niners SC Stadium Company LLC, Forty Niners Stadium Management Company  
 5 LLC (collectively, the “Forty Niners”), the City of Santa Clara, and the Santa Clara Stadium  
 6 Authority (collectively, “Santa Clara,” and with Plaintiffs and the Forty Niners, the “Parties”), by  
 7 and through their respective counsel of record, as follows:

8       **WHEREAS**, on July 23, 2020, this Court issued an order granting final approval of the  
 9 settlement in this case [ECF 416] in which the Court directed the Parties to implement the  
 10 settlement according to its terms and provisions;

11       **WHEREAS**, the settlement agreement [ECF 375-2] specifies certain injunctive relief to  
 12 be undertaken by the Defendants in connection with remediation of alleged access barriers at  
 13 Levi’s Stadium, its parking lots, and certain pedestrian rights of way;

14       **WHEREAS**, at the time the Parties negotiated the settlement, the Forty Niners agreed to  
 15 the original remediation schedule as it related to construction-related remediation efforts at Levi’s  
 16 Stadium and its adjacent parking lot based, in part, on the expectation that the Forty Niners could  
 17 meet the deadlines therein by performing the majority of the stadium remediation work in the first  
 18 half of each year leading up to the end of the compliance period as most remediation could not be  
 19 undertaken during the second half of each year because construction would interfere with access  
 20 during events at the stadium (e.g., reconstructing the parking lot where all accessible parking is  
 21 located, remediating slopes in multiple bowl seating areas, reconstructing bars throughout the  
 22 stadium, etc.);

23       **WHEREAS**, the COVID-19 pandemic has had a significant impact on all aspects of  
 24 normal business across all spectrums, including construction, material sourcing, public entity  
 25 planning and review, and employee absenteeism, and other construction and permitting  
 26 challenges arose, resulting in the Forty Niners’ requesting an extension of time to complete the  
 27 remediation, to which Plaintiffs stipulated, and the Court granted [ECF 439];

1           **WHEREAS**, the above-mentioned circumstances have continued to present a situation  
 2 where a second extension of time is necessary for the Forty Niners to perform remediation work  
 3 at Levi's Stadium;

4           **WHEREAS**, this stipulation does not include an extension of time for Santa Clara to  
 5 perform remediation in the pedestrian rights of way, as such stipulation or motion on behalf of  
 6 Santa Clara will be submitted separately for the Court's consideration; and

7           **WHEREAS**, prior to entering into this stipulation, the Forty Niners and Plaintiffs'  
 8 counsel met and conferred a number of times regarding this requested second extension, and the  
 9 Parties agreed to the following conditions related to entering into this stipulation:

- 10           a. The Forty Niners will attend quarterly meetings with Class Counsel and  
 11 mutually agreed-upon access specialist Gary Waters to discuss remediation  
 12 progress, and Forty Niners' counsel and Mr. Waters will confer with Class  
 13 Counsel in between the quarterly meetings upon Class Counsel's request;
- 14           b. Prior to the quarterly meetings, the Forty Niners will provide a written  
 15 remediation update to use in conjunction with these quarterly meetings;
- 16           c. The Forty Niners will remediate hook placement, phone placement, and other  
 17 non-structural remediation in suites (not including furniture replacement due  
 18 to long lead times as acknowledged by Plaintiffs) in accordance with the  
 19 previously-agreed upon and approved schedule; and
- 20           d. The Forty Niners do not expect to request an additional extension, however,  
 21 nothing will prevent the Forty Niners from seeking an extension from the  
 22 Court, be it by stipulation or motion, should extraordinary and unanticipated  
 23 circumstances arise. Plaintiffs' counsel have informed counsel for the Forty  
 24 Niners that they will not stipulate to any further extensions of the injunctive  
 25 relief deadlines.

26           **NOW, THEREFORE, IT IS HEREBY STIPULATED** as follows:

27           Subject to the Court's approval, the Parties agree to extend the following deadlines related  
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1 to remediation work to be performed at Levi's Stadium and its adjacent parking lot as follows:  
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<u>Item</u>	<u>Orig. Date</u>	<u>Current Date</u>	<u>Extension Date Per This Stip</u>  <u>NEW DATE</u>	<u>Progress Made</u>
1 Parking Lots: provide 282 handicapped parking spaces in the Main Lot Agreement, Section III.A.3.a. NOTE: Section references below are to the sections in the Agreement	1/23/21	7/23/22	7/23/23	The Construction Drawings Permit Submittal has been in review at the City of Santa Clara since May of 21. BKF Engineers, the civil engineering firm, continues to work with the City of Santa Clara to resolve all permitting questions and comments. Multiple meetings have been held, with the most recent meeting occurring on 6/23/22; the 4 <sup>th</sup> review and comment session with the City to date.
2 Handrail Extensions (III. A. 1. n)	1/23/21	7/23/22	7/23/23	The required handrail extension improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.

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3	Dignity Health First Aid (Level 300/Main Concourse): removal of obstructions, creation of clear spaces, toilet paper dispensers per Exhibit A (III.A.1.o)	1/23/21	7/23/22	7/23/23	<p>Six (6) of the twelve (12) items listed on Exhibit A have been addressed and closed by Gary Waters (CAsp).</p> <p>Many other items have been addressed but have not yet been inspected and approved by Gary Waters. They are anticipated to be inspected by Gary Waters on 7/11/22. Five of the remaining six items are scheduled to be reviewed by Gary Waters on 7/11/22.</p>
4	NRG Solar Terrace: provide accessible seating and companion seating at the NRG Solar Terrace bars and counters (III.A.1.q)	1/23/21	7/23/22	7/23/23	The required NRG Solar Terrace improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.
5	Auditorium: provide accessible path of travel to the stage, accessible and companion seating in the back of the Auditorium (III.A.1.r)	1/23/21	7/23/22	7/23/23	The required Auditorium improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.

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6	Paths of Travel to the Stadium, per Exhibit A (III.A.1.a)	4/23/21	7/23/22	7/23/23	Many Path of Travel issues have been resolved, which include the majority of the door closing / opening issues, access to the platform at the Bud Light Deck, access to the raised platform at the Pepsi Deck. Other required Path of Travel improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.
7	Entrances to the Stadium: provide an 8-foot path of travel connecting entrances to the Stadium, and a 48-inch wide path of travel from the Main Parking Lot to Canopies, with signage, per Exhibit B (III.A.1.b)	4/23/21	7/23/22	7/23/23	Construction Drawing Permit Submittal is still in review at the City of Santa Clara. BKF Engineers continue to work with the City to resolve all permitting questions and comments. Multiple meetings have been held, with the most recent meeting occurring on
8	Stadium Box Office: provide access to designated box office ticket window, remove foot bar at that window, provide signage designating accessible ticket window (III.A.1.c)	4/23/21	7/23/22	7/23/23	The required Stadium Box Office improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.

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9	Signage: provide signage throughout the Stadium identifying accessible paths of travel, elevators. Forty Niners to provide a copy of the signage plan to Plaintiffs' counsel at least 30 days prior to implementation of the plan. At plaintiffs' request, the parties will meet and confer concerning the plan. (III.A.1.d)	4/23/21	7/23/22	7/23/23	The required Signage improvements are included in construction drawings performed by HOK Architects. This design package is pending Gary Waters' final letter of conformance. The Contractor is pricing this design package and will provide an updated cost and schedule in July, 22 following their Constructability and Pricing review.
10	Interior Circulation: Create accessible interior path of travel from Gate A and Gate C to Gate F, remediate ramps per Exhibit D (III.A.1.e)	4/23/21	7/23/22	7/23/23	The Contractor surveyed the path of travel and established a plan to remediate the existing conditions. The Contractor is presenting the proposed Path of Travel and necessary remediation with the Gary Waters 7/11/22 to gain concurrence the plan and scope of work to remediate the existing conditions.



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11	Restrooms: provide signage, remove video displays, ensure counters and mirrors and stall doors comply with specs in Exhibit A (III.A.1.i)	7/23/21	4/23/22	4/23/23	Approximately 250 items in the restrooms have been corrected and approved by Gary Waters. These items include removal of obstructions, correcting the accessible toilet compartments. The Architect completed this Construction Drawing package for many of the other items, which was submitted by the Contractor to the City of Santa Clara on 5/12/22 for permit approval. The design package is still in permit review.
12	Drinking Fountains: bring up to current accessibility standards per Exhibit A (III.A.1.j)	7/23/21	4/23/22	4/23/23	The Contractor adjusted the existing drinking fountains, but the review and approval from Gary Waters is required before the work can be considered complete.
13	Concessions: remediate conditions identified in Exhibit A, ensure that owners/operators do so (III.A.1.k)	7/23/21	4/23/22	4/23/23	<p>Many of the items have been completed, such as removal of concession queue lines that were stenciled with decals on the floor and trash can obstructions. Other items, such as counter heights and condiment stations, are included in the Architect's design package.</p> <p>The Architect completed this Construction Drawing package for many of the other items, which was submitted by the Contractor to the City of Santa Clara on 5/12/22 for permit approval. The design package is still in permit review.</p>

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14	Counters and Bars: provide lowered, accessible sections in designated Clubs and Terraces per Exhibit G (III.A.1.h)	10/23/21	7/23/22	7/23/23	The required Counter and Bar improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22..
16	Stadium Restaurants: Within 15 months after the Effective Date, or 9 months after February 15, 21, whichever is later, the Forty Niners are to have completed the access work for the Stadium's Restaurants specified in Exhibit A. The remedial work for Bourbon Steak (clearing a path of travel next to the kitchen to the elevator) is specified in the Agreement (III.A.2)	11/15/21	5/15/22	5/15/23	<p>The Architect has completed this Construction Drawing package, but one issue in the package is still in review with Gary Waters before we gain his concurrence. The Contractor has been directed to review the package and provide a price proposal.</p> <p>Some of the items in this spaces, specifically associated with the Loft Spaces, have been closed.</p>

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17	Seating: remediate all non-compliant conditions in designated accessible seating areas throughout the Stadium, per Exhibit E (III.A.1.f)	5/15/22	2/15/23	2/15/24	The Architect has completed the design package for a significant amount of this design package. We anticipate that a majority is expected to be complete by early 23. The Contractor has evaluated the floor drain slopes and grades and will review and propose remediation efforts with a scheduled walk through with Gary Waters on 7/11/22.
18	Drink rails (Phase 1): remediate 50% of the drink rails in the Stadium per Exhibit F (III.A.1.g) within 15 months after the Effective Date or by February 15, 21, whichever is later,	10/23/21	7/23/22	7/23/23	The required Drink Rail improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.
19	Drink rails (Phase 2): the remaining 50% of the drink rails to be remediated by 15 months <u>after</u> February 15, 22	5/15/22	7/23/23	7/23/24	The required Drink Rail improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.

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20	Shops: by this date, the Forty Niners are to have ensured that the owners and operators of Stadium shops have completed the remediation work identified in Exhibit A (III.A.1.m)	1/23/22	7/23/22	7/23/23	The required Shops improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.
21	Stadium Stairs: within 24 months after the Effective Date, or November 15, 22, whichever is later, the Forty Niners are to have remediated the stairs at Gate A and Gate C, within the United Club and the interior stairs at Toyota Gate F, and throughout the outdoor seating areas within the Stadium to ensure that the nosings of the stair treads comply with ADAS section 504.5, and that the slopes of the risers do not exceed 1:48 (2.1%) (III.A.1.s)	11/15/22	5/15/23	5/15/24	<p>The required Stadium Stair improvements are included in construction drawings performed by HOK Architects. The Contractor will submit this package for permit during the week of 7/5/22.</p> <p>We have completed three of twelve items associated with stairs.</p>

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22	Stadium Suites and Boxes – Phase 1 (III.A.1.1) (50% of Suites and Boxes)	1/23/22	7/23/22	7/23/24	<p>A full renovation of the suites are planned for 2024 and 2025. Gary Waters supports the plan to address the remediation of the Suites scheduled for renovation to be completed as part of the larger renovation plan.</p> <p>For all other work associated with the suites, the architect (HOK) has included the improvements as part of a permit submittal design package. The Contractor will submit this package for permit by week of 7/5/22.</p>
23	Stadium Suites and Boxes – Phase 2 (III.A.1.1) (50% of Suites and Boxes)	1/23/22	10/23/23	10/23/25	<p>A full renovation of the suites are planned for 2024 and 2025. Gary Waters is supporting the plan to address the remediation of the Suites schedule for renovation to be completed as part of the larger renovation plan.</p> <p>For all other work associated with the suites, the architect (HOK) has included the improvements as part of a permit submittal design package. The Contractor will submit this package for permit by week of 7/5/22.</p>

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**IT IS SO STIPULATED.**

Dated: July 25, 2022

Respectfully submitted,

PEIFFER WOLF CARR KANE & CONWAY

/s/ Catherine M. Cabalo

Catherine M. Cabalo

Attorneys for Plaintiffs and the Certified Classes

Dated: July 25, 2022

RANKIN, SHUEY, RANUCCI, MINTZ,  
LAMPASONA & REYNOLDS

/s/ Maria M. Lampasona

Maria M. Lampasona

Attorneys for Defendants

FORTY NINERS FOOTBALL COMPANY LLC,  
FORTY NINERS SC STADIUM COMPANY LLC,  
FORTY NINERS STADIUM MANAGEMENT  
COMPANY LLC CITY OF SANTA CLARA,  
SANTA CLARA STADIUM AUTHORITY

**SIGNATURE ATTESTATION**

The e-filing attorney hereby attests that concurrence in the content of the document and authorization to file the document has been obtained from each of the other signatories indicated by a conformed signature (/s/) within this e-file document.

Dated: July 25, 2022

/s/ Maria Lampasona

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 7/26/2022



Hon. Haywood S. Gilliam, Jr.  
United States District Judge